APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/668,875	09/25/2000	Jerry Freestone	NTL-3.2.133/3405 (12052SC	3055

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EXAMINER
WON, MICHAEL YOUNG

ART UNIT	PAPER NUMBER
2455	

NOTIFICATION DATE	DELIVERY MODE
07/20/2010	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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	Application No.	Applicant(s)
Office Action Summary	09/668,875	FREESTONE ET AL.
	Examiner	Art Unit	
	MICHAEL Y. WON	2455	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS,
WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on <u>07 June 2010</u>.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-4,7-16,18-28,30-34,36-38,40-43 and 45</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-4,7-16,18-28,30-34,36-38,40-43 and 45</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

1.   This action is in response to the amendment filed June 7, 2010.

2.   Claims 1, 7, 8, 13, 18, 24, and 30 have been amended and claims 5, 6, 17, and
29 have been cancelled.

3.   Claims 1-4, 7-16, 18-28, 30-34, 36-38, 40-43 and 45 have been examined and
are pending with this action.

Claim Rejections - 35 USC § 112

4.   Claim 13 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite
for failing to particularly point out and distinctly claim the subject matter which applicant
regards as the invention.

        The examiner cannot determine how an email with an attachment is sent from
the sender to the recipient when "the attaching is performed by the recipient's device".
There seems to be missing some essential steps or elements missing or the applicant
has erroneously written by the "recipient's device" when in fact, it should be the
"sender's device".

Claim Rejections - 35 USC § 102

        The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that
form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5.   Claims 1-4, 7-10, 12-16, 18, 19, 21-28, 30, 31, 33, 34, 36-38, 40, 41 and 45 are

rejected under 35 U.S.C. 102(e) as being anticipated by Ramesh et al. (US 6,801,931).

INDEPENDENT:

As per **claim 1**, Ramesh teaches an electronic message configured to be

communicated between a sender's device and a recipient's device, the electronic

message comprising:

an attached sound file (see col.2, lines 14-19: "and one or more attached

documents or files of various types (e.g., word processor files, image files, audio files,

spreadsheets, executable programs, or others)"); and,

an attached predetermined identifier associated with the sound file (see col.3,

lines 49-61: "To differentiate the intended speaker from the sender of the message, a

speaker identifier is added to the electronic message"), the predetermined identifier

comprising:

a distinguishing indication configured to distinguish the sound file from

other files attached to the electronic message (see col.3, lines 53-57: "The

speaker identifier is an electronic label that corresponds to a specific set of basis

vectors. In one implementation, it may correspond to the name of the speaker

and comprise ASCII text added to the message header"); and

a course of action indication configured to indicate a course of action to be taken by the recipient's device with the sound file, the course of action indication comprising an information tag (see col.3, lines 57-61: "The speaker identifier tells the recipient's communication device 120 which set of stored basis vectors to associate with the received message payload when a set of basis vectors is not attached thereto");

wherein based on the course of action indicated by the predetermined identifier, the recipient's device is configured to selectively convert a content of the electronic message form text to voice using at least one of the sound file and a locally stored voice sample (see col.2, lines 35-37: "the recipient's communication device renders the text to the recipient as audible speech"; and col.3, line 61-col.4, line 2: "the recipient's communication device uses the included speaker identifier to associate a specific set of stored basis vectors with the message payload");

wherein the recipient's device is configured to selectively play at least one of the sound file and the converted content of the electronic message (see col.3, lines 31-33: "render the text as audible speech").

As per **claim 8**, Ramesh teaches a method for sending an electronic message from a sender's device and a recipient's device, the method comprising the steps of:

attaching a sound file to the electronic message (see col.2, lines 14-19: "and one or more attached documents or files of various types (e.g., word processor files, image files, audio files, spreadsheets, executable programs, or others)");

associating a predetermined identifier with the sound file and attaching the

predetermined identifier to the electronic message (see col.3, lines 49-61: "To

differentiate the intended speaker from the sender of the message, a speaker identifier

is added to the electronic message"), the predetermined identifier comprising:

a distinguishing indication configured to distinguish the sound file from

other files attached to the electronic message (see col.3, lines 53-57: "The

speaker identifier is an electronic label that corresponds to a specific set of basis

vectors. In one implementation, it may correspond to the name of the speaker

and comprise ASCII text added to the message header");

a course of action indication configured to indicate a course of action to be

taken by the recipient's device with the sound file, the course of action indication

comprising an information tag (see col.3, lines 57-61: "The speaker identifier tells

the recipient's communication device 120 which set of stored basis vectors to

associate with the received message payload when a set of basis vectors is not

attached thereto");

based on the course of action indicated by the predetermined identifier,

selectively converting a content of the electronic message form text to voice using at

least one of said sound file and a locally stored voice sample (see col.2, lines 35-37:

"the recipient's communication device renders the text to the recipient as audible

speech"; and col.3, line 61-col.4, line 2: "the recipient's communication device uses the

included speaker identifier to associate a specific set of stored basis vectors with the

message payload"); and

selectively playing said sound file and/or said converted content of the electronic

message (see col.3, lines 31-33: "render the text as audible speech").

As per *claim 24*, Ramesh teaches a method for announcing electronic messages

comprising the steps of:

receiving an electronic message with an attached sound file (see col.2, lines 14-

19: "and one or more attached documents or files of various types (e.g., word processor

files, image files, audio files, spreadsheets, executable programs, or others)");

noting the presence of a predetermined identifier attached to the electronic

message, wherein the predetermined identifier comprises:

a distinguishing indication configured to distinguish the sound file from other files

attached to the electronic message (see col.3, lines 53-57: "The speaker identifier is an

electronic label that corresponds to a specific set of basis vectors. In one

implementation, it may correspond to the name of the speaker and comprise ASCII text

added to the message header"); and

a course of action indication configured to indicate a course of action to be taken

with the sound file, the course of action indication comprising an information tag (see

col.3, lines 57-61: "The speaker identifier tells the recipient's communication device 120

which set of stored basis vectors to associate with the received message payload when

a set of basis vectors is not attached thereto");

based on course of action indicated by the predetermined identifier, selectively

converting a content of the electronic message form text to voice using one of said

sound file and a locally stored voice sample (see col.2, lines 35-37: "the recipient's

communication device renders the text to the recipient as audible speech"; and col.3,
line 61-col.4, line 2: "the recipient's communication device uses the included speaker
identifier to associate a specific set of stored basis vectors with the message payload");
and

selectively playing the at least one of the sound file and said converted content of
the electronic message in response to the noting of the predetermined identifier (see
col.3, lines 31-33: "render the text as audible speech").

DEPENDENT:

As per **_claims 2-4, 14-16, and 26-28_**, which respectively depend on claims 1, 8,
and 24, Ramesh further teaches wherein said sound file contains at least one word in a
computer-simulated voice and at least one word in a sender's voice (see col.2, lines 37-
39).

As per **_claims 7, 18, and 30_**, which respectively depend on claims 1, 8, and 24,
Ramesh further teaches wherein the information tag is embedded in a header of the
electronic message (see col. 3, lines 51-53).

As per **_claim 9_**, which depends on claim 8, Ramesh further teaches wherein said
attaching is performed by the sender's device (see col.3, lines 9-11).

As per **_claim 10_**, which depends on claim 8, Ramesh further teaches wherein
said attaching is automatic (see col.2, lines 11-14).

As per **_claim 12_**, which depends on claim 8, Ramesh further teaches wherein
said attaching, is performed by an e-mail server (see col.4, lines 16-19).

As per **claim 13**, which depends on claim 8, Ramesh teaches further comprising: transmitting the electronic message to the recipient's device, wherein the attaching is performed by the recipient's device (see Fig.2 and col.2, lines 14-24)

As per **claims 19 and 31**, which respectively depend on claims 18 and 30, Ramesh further teaches wherein the information tag, is embedded by the sender's device or by a sender computer (see col.3, lines 44-61).

As per **claims 21 and 33**, which respectively depend on claims 18 and 30, Ramesh further teaches wherein the information tag, is embedded by an e-mail server (see claim 7 and 19 rejection above).

As per **claim 22 and 34**, which respectively depend on claims 18 and 30, Ramesh further teaches wherein the information tag, is embedded by the recipient's device or by a recipient computer, respectively (see claim 13 and 19 rejection above).

As per **claim 23**, which depends on claim 18, Ramesh further teaches wherein said attaching, is selectively performed by a sending party (see claim 9 rejection above).

As per **claim 25**, which depends on claim 24, Ramesh teaches of further comprising receiving at least one more electronic message with an attached sound file and playing said at least one more sound file (see claim 1 rejection above).

As per **claim 36**, which depends on claim 24, Ramesh further teaches wherein said playing is performed at a recipient computer (see col.3, lines 31-33).

As per **claim 37**, which depends on claim 24, Ramesh further teaches wherein said playing is performed at recipient customer premise equipment (see col.3, lines 31-33)

As per **claim 38**, which depends on claim 24, Ramesh further teaches where said playing is performed at a recipient voice mail (see col.2, lines 2-6).

As per **claim 40**, which depends on claim 24, Ramesh further teaches where said converting is performed at an e-mail server (see col. 4, lines 16-19).

As per **claim 41**, which depends on claim 24, Ramesh further teaches where said converting is performed at a recipient computer (see col.2, lines 35-37).

As per **claim 45**, which depends on claim 24, Ramesh teaches of further comprising transferring said voice message to a voice mailbox (see col.2, lines 2-6).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6.   Claims 11, 20, 32, 42, and 43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ramesh et al. (US 6,801,931) in view of Agraharam et al. (US 6,085,231 A).

As per **claims 11, 20, 32, and 42**, which respectively depend on claims 8, 18, 30, and 24, Ramesh does not explicitly teach where said attaching is performed by an adjunct to the senders device.

Agraharam teaches of an adjunct (see col.3, lines 20-29: "email server which is part of or an adjunct to the called party/subscriber's").

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the system of Ramesh in view of Agraharam by implementing an adjunct. One would be motivated to do so because Ramesh suggests other embodiments are possible without departing from essential character of the invention (see col.5, lines 25-30).

As per **claim 43**, which depends on claim 24, Ramesh does not explicitly teach wherein said converting is performed at a voice messaging system.

Agraharam teaches wherein said converting is performed at a voice messaging system (see Fig.2, #202 & #206 and col.4, lines 7-17).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the system of Ramesh in view of Agraharam so that the converting is performed at a voice messaging system. One would be motivated to do so because Ramesh teaches that other form of synthesis methods can be employed (see col.2, lines 56-62).

Response to Arguments

7.   Applicant's arguments filed June 7, 2010 have been fully considered but they are not persuasive. In view of the amendments presented and after further consideration, Ramesh clearly and explicitly teach the invention as claimed. New citations have been presented in the rejections set forth above. Ramesh teaches a speaker identifier that distinguishes the sound file and indicates a course of action to be taken (see rejection above).

Conclusion

8.   For the reasons above, claims 1-4, 7-16, 18-28, 30-34, 36-38, 40-43 and 45 have

been rejected and remain pending.

9.   Applicant's amendment necessitated the new ground(s) of rejection presented in

this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37

CFR 1.136(a).

        A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the date of this final action.

        Any inquiry concerning this communication or earlier communications from the

examiner should be directed to MICHAEL Y. WON whose telephone number is

(571)272-3993. The examiner can normally be reached on M-Th: 9AM-7PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Saleh Najjar can be reached on 571-272-4006. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Michael Won/

Primary Examiner

AU 2455

July 14, 2010